

FILED BY *JP* D.C.

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

ROBERT R. M. TOLIC
CLERK, U.S. DIST. CT.
W.D. OF TN, MEMPHIS

THOMAS WESLEY SCRUGGS,

Plaintiff,

vs.

No. 03-2518 D/V

THE BOARD OF EDUCATION OF THE
MEMPHIS CITY SCHOOLS; JOHNNIE
WATSON; and BOB ARCHER

Defendant.

ORDER GRANTING DEFENDANTS' MOTION TO EXCEED PAGE
LIMIT FOR MEMORANDUM IN SUPPORT OF DEFENDANTS'
MOTION FOR SUMMARY JUDGMENT

On March 25, 2005, the defendants, the Board of Education of the Memphis City Schools, Johnnie Watson, and Bob Archer, filed a motion for summary judgment. The memorandum in support of their motion was twenty-eight (28) pages in length. On April 25, 2005, the plaintiff, Thomas Wesley Scruggs, filed a motion to strike the defendants' memorandum because it was in excess of the twenty (20) page limit allowed under Local Rule 7.2(e).

Presently before the court is the May 4, 2005 motion of the defendants for leave to file a memorandum in support of their motion for summary judgment in excess of the twenty page limit set forth in Local Rule 7.2(e), nunc pro tunc. For the following reasons, the Defendants' motion is granted.

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In this case, the plaintiff filed a complaint which included allegations of discrimination based on age and disability, claims for breach of contract, retaliatory discharge, intentional infliction of emotional distress and violations of due process under 42 U.S.C. § 1983. Given the number of claims set forth by the plaintiff in his complaint, it is only fair to allow the defendants to respond fully and completely to the accusations brought against them. The memorandum in question is not excessive and only exceeds the page limit by eight pages. Furthermore, the responses by the defendants were brief and concise and barely exceeded five pages per cause of action.

Accordingly, the defendants motion to exceed the page limit set forth by Local Rule 7.2(e), nunc pro tunc, is granted. However, the defendants are warned, henceforth, that memoranda in support of or in opposition to motions filed in excess of twenty pages without prior court approval will be stricken.

IT IS SO ORDERED this 5th day of May, 2005.



DIANE K. VESCOVO
UNITED STATES MAGISTRATE JUDGE



Notice of Distribution

This notice confirms a copy of the document docketed as number 58 in case 2:03-CV-02518 was distributed by fax, mail, or direct printing on May 12, 2005 to the parties listed.

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Honorable Diane Vescovo
US DISTRICT COURT